

Message

From: Courtnage, Robert [Courtnage.Robert@EPA.GOV]
Sent: 3/20/2018 4:01:27 PM
To: Seltzer, Mark [Seltzer.Mark@epa.gov]
CC: Carmichael, Lea [carmichael.lea@epa.gov]; Winchester, Erik [Winchester.Erik@epa.gov]; Pfahles-Hutchens, Andrea [Pfahles-Hutchens.Andrea@epa.gov]; Silagi, William [Silagi.William@epa.gov]
Subject: FW: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Importance: High

Mark-

As per our conversation, here is the email from the OGC PRA attorney directly below and then from below him after we had outlined exactly what we wanted to do. Note, this is in addition to verbal discussions with

-Robert

Robert T. Courtnage
Associate Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics/OCSP
U.S. Environmental Protection Agency
202.566.1081 (Desk)
202.740.2993 (Mobile)

From: Talty, Mark
Sent: Thursday, March 08, 2018 8:57 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Carmichael, Lea <Carmichael.Lea@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Thanks for passing this along, Robert. Consistent with my advice from yesterday,

Please feel free to reach out if you have any additional questions or concerns.

Best regards,

Mark

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency

(202) 564-1262
talty.mark@epa.gov

From: Courtnage, Robert
Sent: Wednesday, March 07, 2018 11:47 AM
To: Talty, Mark <Talty.Mark@epa.gov>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Carmichael, Lea <Carmichael.Lea@epa.gov>
Subject: FW: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Hi Mark-

Here is the email chain I was referring to this am that provided us permission to contact importers on their behalf.

Robert T. Courtnage
Associate Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics/OCSP
U.S. Environmental Protection Agency
202.566.1081 (Desk)
202.740.2993 (Mobile)

From: **Ex. 6 Personal Privacy (PP), Ex. 7 Law Enforcement (PP)**
Sent: Friday, February 23, 2018 12:12 PM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Winchester, Erik <Winchester.Erik@epa.gov>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

I check, since they classified under an HTS under your jurisdiction you can inquire.

From: Courtnage, Robert [<mailto:Courtnage.Robert@EPA.GOV>]
Sent: Thursday, February 22, 2018 10:49 AM
To: **Ex. 6 Personal Privacy (PP), Ex. 7 Law Enforcement (PP)** Winchester, Erik <Winchester.Erik@epa.gov>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation
Importance: High

Hi **Ex. 6 Personal Privacy (PP), Ex. 7 Law Enforcement (PP)**

Erik asked as the asbestos lead for me to respond to you on this.

EPA was provided a report that was generated using the HTS codes that are currently in **Ex. 7(E)** as "EPA regulated." Below lists the HTS codes used to query ACE within the last five (5) years.

As per the **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

EPA 2524900010 AMOSITE ASBESTOS
EPA 2524900030 CHRYSOTILE CRUDES ASBESTOS
EPA 2524900060 OTHER ASBESTOS
EPA 6812911000 ASBESTOS,FABRICATED,FOOTWEAR
EPA 6812919000 ASBESTOS,FABRICATED,CLOTHING,CLOTHING ACCESSORIES,HEADGEAR
EPA 6812920000 ASBESTOS,FIBERS,FABRICATED,PAPER,MILLBOARD AND FELT

2

EPA 6812930000 ASBESTOS,FIBER,COMPRESSED,JOINTING,IN SHEETS OR ROLLS
EPA 6812990001 ASBESTOS,FIBER,FABRICATED; ASBESTOS MIXTURES
EPA 6812990002 ASBESTOS,FABRICATED,YARN AND THREAD
EPA 6812990003 ASBESTOS,FABRICATED,CORDS AND STRING,WHETHER OR NOT PLAITED
EPA 6812990004 ASBESTOS,FABRICATED,WOVEN OR KNITTED FABRIC
EPA 6812990010 ASBESTOS,FIBERS,FABRICATED,FOR USE IN CIVIL AIRCRAFT
EPA 6812990020 ASBESTOS,FIBERS,FABRICATED,GASKETS,PACKING AND SEALS
EPA 6812990025 ASBESTOS,FIBERS,FABRICATED,BUILDING MATERIALS
EPA 6812990055 ASBESTOS,FIBERS,FABRICATED,OTHER
EPA 6813200000 FRICTION MATERIAL AND ART. THEREOF CONT. ASBESTOS
EPA 6813200010 ASBESTOS,MINERAL SUBST,FRICTION MAT,BRAKE LIN/PAD,CIVIL AIR
EPA 6813200015 ASBESTOS,MINERAL SUBST,FRICTION MAT,BRAKE LININGS AND PADS
EPA 6813200020 ASBESTOS,MINERAL SUBST,FRICTION MAT,OTHER,FOR USE IN CIVIL AIR
EPA 6813200025 ASBESTOS,MINERAL SUBST,FRICTION MAT,OTHER

As Erik mentioned,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We'd be happy to schedule a call to further clarify/ discuss any of this.

Thanks much!

Robert T. Courtnage
Associate Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics/OCSP
U.S. Environmental Protection Agency
202.566.1081 (Desk)
202.740.2993 (Mobile)

From:

Ex. 6 PP / Ex. 7(C)

Sent: Wednesday, February 21, 2018 8:52 PM

To: Winchester, Erik <Winchester.Erik@epa.gov>

Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sadowsky, Don <Sadowsky.Don@epa.gov>

Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Erik,

Just to confirm, when you say an import of asbestos,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Winchester, Erik [mailto:Winchester.Erik@epa.gov]

Sent: Wednesday, February 21, 2018 4:02 PM

To: [REDACTED] **Ex. 6 PP / Ex. 7(C)**

Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sadowsky, Don <Sadowsky.Don@epa.gov>

Subject: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Hi [REDACTED] **Ex. 6 Personal Privacy (PP)**

We have a follow up request on the use of the CBP [REDACTED] **Ex. 7(E)** data. [REDACTED] **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (CP, DP, ACC)

Please reach out if you have any questions, and if possible a reply by Fri Feb 23 or Monday Feb 26th would be much appreciated as we are on a very tight schedule here.

Thanks for your help,
Erik

Erik Winchester, Chief
Fibers & Organics Branch
USEPA/OCSP/OPPT
202-564-6450

From: [REDACTED] **Ex. 6 PP / Ex. 7(C)**

Sent: Monday, February 12, 2018 4:32 PM

To: Sadowsky, Don <Sadowsky.Don@epa.gov>

Cc: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Chaudet, Roy <Chaudet.Roy@EPA.GOV>; Holmes, Carol <Holmes.Carol@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>

Subject: RE: Use and disclosure ACE data to support statutory risk evaluation

Ex. 5, Ex. 7 E

Please understand how DHS defines PII in the Privacy Information Handling Guidelines (e.g., while not sensitive, name and phone numbers are PII as is: "any information that permits the identity of an individual to be directly or indirectly inferred").

From: Sadowsky, Don [mailto:Sadowsky.Don@epa.gov]

Sent: Tuesday, January 30, 2018 2:03 PM

To: **Ex. 6 Personal Privacy (PP)**

Cc: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Chaudet, Roy <Chaudet.Roy@EPA.GOV>; Holmes, Carol <Holmes.Carol@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>

Subject: Use and disclosure ACE data to support statutory risk evaluation

Ex. 6 Personal Privacy (PP)

My clients in the Office of Pollution Prevention and Toxics are conducting risk revaluation of asbestos in accordance with the requirements of TSCA § 6(b)(4). That provision directs EPA to determine whether the substance being reviewed presents an unreasonable risk of injury to health or the environment, based in part upon usage patterns. The statute directs EPA to provide notice and comment on its draft risk evaluation; the public record must contain information adequate to support the evaluation.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Attorney Client (AC)

Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)

Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)

- **Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)**
- **Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)**
- **Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)**

Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)

Ex. 6 Deliberate Process / Ex. 5 Attorney Client (AC)

EPA is soon to issue a problem formulation document, after which time we will begin the risk evaluation analysis phase. Our risk assessors will use all available government data to do their job in assessing the current risks from the ongoing use of asbestos in commerce.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks so much for your assistance. We would be happy to arrange a telephone call to provide further information, if that would be helpful.

Donald A. Sadowsky
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

ID0015